



**Colorado
Legislative
Council
Staff**

HB16-1263

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0418
Prime Sponsor(s): Rep. Williams
 Sen. Ulibarri

Date: February 17, 2016
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: RACIAL PROFILING PROHIBITION

Fiscal Impact Summary	FY 2015-2016 (Current Year)	FY 2016-2017	FY 2017-2018
State Revenue			
State Expenditures	Workload increase.		
Appropriation Required: None.			
Future Year Impacts: None.			

Summary of Legislation

This bill modifies the prohibition in current law against racial profiling by law enforcement by changing the definition to include the practice of relying on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability (listed characteristics) in:

- selecting a person to be subject to routine or spontaneous investigatory activities, including interviews, detentions, traffic or pedestrian stops, frisks or other bodily searches, or searches of personal or real property; or
- determining the scope, substance, or duration of an investigation or law enforcement activity to which a person will be subjected.

In addition, the bill expands the prohibited practice of profiling to include:

- not using profiling in making routine or spontaneous law enforcement decisions, except using listed characteristics in a specific suspect description; and
- not using profiling in all incidents other than routine or spontaneous law enforcement activities except when there is trustworthy information, relevant to the location or time frame, that links a person with a listed characteristic to an identified criminal incident, scheme, or organization.

State Expenditures

Beginning in the current fiscal year, FY 2015-16, this bill may increase workload by a minimal amount in order to update training for peace officers and to respond to any complaints

related to the newly prohibited practices. Peace officers are employed by the Departments of Corrections, Natural Resources, Public Safety, and Revenue, as well as institutions of higher education. Training of peace officers is overseen by the Peace Officers Standards and Training (POST) Board in the Department of Law.

Local Government Impact

Similar to state agencies, a minimal amount of workload may be incurred by local law enforcement agencies to make peace officers aware of the changes under HB16-1263 and to respond to complaints arising from newly prohibited behavior.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Higher Education
Law
Public Safety

Counties
Information Technology
Municipalities
Revenue

District Attorneys
Judicial
Natural Resources
Sheriffs